

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

**FILED**  
99 SEP 22 PM 4:25  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

DAVID CICERO PUCKETT,

Plaintiff,

vs.

SHERIFF RALPH TOLAND and  
INVESTIGATOR RED HANVEY,

Defendants.

CV 98-N-1254-E

**ENTERED**  
SEP 22 1999

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 1, 1999, recommending that the defendants' motion for summary judgment be granted and that the plaintiff's motion for summary judgment be denied. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED; plaintiff's motion for summary judgment is due to be DENIED; and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this the 22nd day of Sept., 1999.

  
EDWIN L. NELSON  
UNITED STATES DISTRICT JUDGE

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